



## San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220, San Francisco, CA 94102  
 Phone: 415.252.3100 . Fax: 415.252.3112  
[ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org) . [www.sfethics.org](http://www.sfethics.org)

Received on:  
 11-09-2023 | 20:34:06 PST

### Notification of Recusal

SFEC Form 3.209b  
 (S.F. Conflict of Interest Code § 3.209(b))  
 A Public Document

Any member of a City board or commission other than a member of the Board of Supervisors (See Campaign and Governmental Conduct Code Section 3.209(c)) who is required to file a statement of economic interests pursuant to Article III, Chapter 1 of the Campaign and Governmental Conduct Code shall file this form each time the member recuses him or herself from a matter being considered by the board or commission. This form is due within 15 calendar days after the date of the meeting at which the recusal occurred and must be accompanied by a copy of the meeting agenda containing the item that triggered the recusal. For more information visit [www.sfethics.org](http://www.sfethics.org).

#### 1. FILING INFORMATION

|   |  |
|---|--|
| <b>TYPE OF FILING</b><br>Original                           | <b>DATE OF ORIGINAL FILING (for amendments only)</b> |
| <b>AMENDMENT DESCRIPTION – Explain reason for amendment</b> |  |

#### 2. INFORMATION REGARDING MEMBER OF THE BOARD OR COMMISSION

|  |  |
|--|--|
| <b>NAME OF MEMBER OF THE BOARD OR COMMISSION</b><br>Katrin Moore |  |
| <b>NAME OF BOARD OR COMMISSION</b><br>Planning Commission        |  |
| <b>WORK PHONE</b><br>1 415 254-9183                              | <b>WORK EMAIL</b><br>kathrin.moore@sfgov.org |

#### 3. RECUSAL INFORMATION

|   |  |
|---|--|
| <b>DATE OF RECUSAL (the date of the meeting at which the recusal occurred or would have occurred)</b><br>11/09/2023 |  |
| <b>AGENDA ITEM NUMBER</b><br>Item #15 2023 005418CUA  |  |

**BRIEF DESCRIPTION OF MATTER**

Conditional Use Authorization for 1152 Taylor St  
 Expansion of an existing Restaurant use (dba Nob Hill Cafe)  
 into an adjacent retail space in the same building.



**CHECK THIS BOX IF THE MATTER CONCERNs THE MAKING OF A CONTRACT**

**EXPLAIN THE FINANCIAL INTEREST CAUSING THE RECUSAL**

I reside within the 500 ft radius where my participation would be considered a conflict of interest.  
 The subject property is a neighborhood restaurant, we dine at this restaurant and have for years.

**ATTACH COPY OF MEETING AGENDA**

Meeting agenda attached to this document  
 are appended at the end of this document

**5. VERIFICATION**

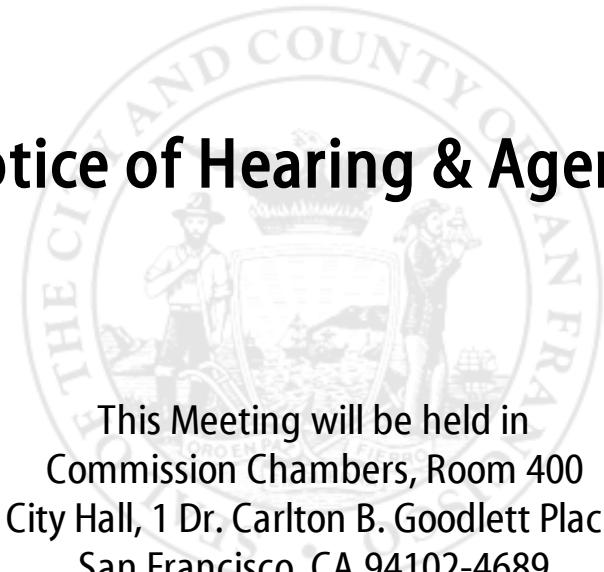
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge, the information I have provided here is true and complete.

**I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

| SIGNATURE  | DATE SIGNED   |
|--|---|
| <p>DocuSigned by:</p> <p><i>Planning Commission Kathrin Moore</i></p> <p>BCA18E142F95436...</p> <p>Planning Commission Kathrin Moore</p> | <p>DATE SIGNED</p> <p>11-09-2023   20:34:06 PST</p> |

# SAN FRANCISCO PLANNING COMMISSION

## Notice of Hearing & Agenda



This Meeting will be held in  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, November 9, 2023  
12:00 p.m.  
Regular Meeting**

### Commissioners

Rachael Tanner, President  
Kathrin Moore, Vice-President  
Derek Braun, Sue Diamond, Theresa Imperial,  
Joel Koppel, Gabriella Ruiz

### Commission Secretary

Jonas P. Ionin

**Hearing Materials Are Available At  
[Planning Commission Packet and Correspondence](#)**

### Commission Hearing Broadcasts

Live stream: <https://sfgovtv.org/planning>  
Live, Thursdays at 1:00 p.m., Cable Channel 78  
Re-broadcast, Fridays at 8:00 p.m., Cable Channel 26

Disability and language accommodations available upon request to  
[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) or (628) 652-7589 at least 48 hours in advance.

## **RAMAYTUSH OHLONE ACKNOWLEDGEMENT**

The Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

## **KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the [Sunshine Ordinance](#) (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 409; phone (415) 554-7724; fax (415) 554-7854; or e-mail at [sotf@sfgov.org](mailto:sotf@sfgov.org). Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force or the San Francisco Library.

## **PRIVACY POLICY**

Personal information that is provided in communications to the Planning Department is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

Members of the public are not required to provide personal identifying information when they communicate with the Planning Department and its commissions. All written or oral communications that members of the public submit to the Department regarding projects or hearings will be made available to all members of the public for inspection and copying. The Department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Department and its commissions may appear on the Department's website or in other public documents that members of the public may inspect or copy.

## **ACCESSIBLE MEETING INFORMATION**

**LOCATION:** Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

**TRANSIT:** The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

**PARKING:** Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

**DISABILITY ACCOMMODATIONS:** To request assistive listening devices, real time captioning, sign language interpreters, readers, large print agendas or other accommodations, please contact the Commission Secretary at (628) 652-7589, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 72 hours in advance of the hearing to help ensure availability.

**LANGUAGE ASSISTANCE:** To request an interpreter for a specific item during the hearing, please contact the Commission Secretary at (628) 652-7589, or [commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org) at least 48 hours in advance of the hearing.

**ALLERGIES:** In order to assist the City in accommodating persons with severe allergies, environmental illness, multiple chemical sensitivity, or related disabilities, please refrain from wearing scented products (e.g., perfume and scented lotions) to Commission hearings.

**ESPAÑOL:** Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al (628) 652-7589. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

**中文:** 規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電 (628) 652-7589。請在聽證會舉行之前的至少 48 個小時提出要求。

**FILIPINO:** Adyenda ng Komisyon ng Pagpaplan. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa (628) 652-7589. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

**РУССКИЙ:** Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру (628) 652-7589. Запросы должны делаться минимум за 48 часов до начала слушания.

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## INSTRUCTIONS FOR REMOTE PUBLIC COMMENT

### PHONE

**Phone number: +1 (415) 655-0001**

**Access Code: 2663 038 0457##**

Note: the Access Code will change for each hearing.

1. Call phone number, enter Access Code, then press ## (pound, pound)
2. When you hear "You are muted" Stop and listen
3. Wait for Public Comment to be announced (by Item Number or for General Public Comment)
4. To comment, press \* 3 (star 3) to "raise your hand"
5. Once you raise your hand, you will hear the prompt: "You have raised your hand to ask a question. Please wait to speak until the host calls on you"
6. Wait for you turn to speak
7. When you hear "you're unmuted" – that is your indication to begin speaking

### IF YOU NO LONGER WANT TO COMMENT

- Press \* 3 (star 3) to lower your hand

### ONLINE

[Link to WebEx](#)

**Password: CPC2023**

Note: the link will change for each hearing.

1. Click on above hyperlink "Link to WebEx"
2. Enter your First and Last name, plus email address
3. Enter Password and click OK
4. Stop and listen
5. Wait for Public Comment to be announced (by Item Number or for General Public Comment)
6. To comment click on "raise hand" icon
7. You will hear a beep and see the prompt "the host has unmuted you" – that is your indication to begin speaking

### IF YOU NO LONGER WANT TO COMMENT

- Click "raise hand" icon again

### PROVIDE YOUR PUBLIC COMMENT

- The Commission Secretary will indicate how much time you have to provide your comments – you will be alerted when you have 30 seconds remaining.
- Once your public comment time have ended, you will be moved out of the speaker line and back to listening as a participant (unless you disconnect).
- Participants who wish to speak on other items on the Agenda, or for other comment periods, may stay on the meeting line and listen for the Commission / Hearing Secretary's next prompt.

## ROLL CALL

|                 |  |
|-----------------|--|
| President:      | Rachel Tanner  |
| Vice-President: | Kathrin Moore  |
| Commissioners:  | Derek Braun, Sue Diamond, Theresa Imperial,<br>Joel Koppel, Gabriella Ruiz |

## A. CONSIDERATION ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2019-006995DRP (D. WINSLOW: (628) 652-7335)  
1128 LAKE STREET – north side between Funston and 12<sup>th</sup> Avenues; Lot 005 in Assessor's Block 1346 (District 1) – Request for **Discretionary Review** of Building Permit No. 2022.1230.9473 to relocate the existing two-story, two-unit building to the front of the lot, and construct a vertical and a horizontal rear addition, and alter the front facade by adding a new garage door, removing of the front steps, and adding a new second floor Juliette balcony within a RH-2 (Residential House – Two Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04\(h\)](#).  
*Preliminary Recommendation: Take Discretionary Review and Approve as Modified  
(Proposed for Continuance to November 30, 2023)*
2. 2022-008254CUA (M. LAUSH: (628) 652-7339)  
2351 MISSION STREET – east side between 19th and 20th Streets; Lot 024 in Assessor's Block 3595 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 145.2, 249.60, 754 and 303 to establish an Outdoor Activity Area for an existing restaurant (d.b.a. Casements) in the subject property's public parking lot and to expand the existing liquor establishment within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X and 55-X Height and Bulk Districts. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions  
(Proposed for Continuance to January 4, 2024)*
3. 2023-005698CUA (E. OROPEZA: (628) 652-7416)  
2450 SAN BRUNO AVENUE – northwest corner of Silliman Street; Lot 031 in Assessor's Block 5925 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303, and 303.1, and 741, to establish a formula retail use (d.b.a. Chase Bank), within an existing retail space at the ground floor of a two-story commercial building, within the San Bruno Avenue NCD (Neighborhood Commercial District) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04\(h\)](#).  
*Preliminary Recommendation: Approve with Conditions  
(Proposed for Continuance to January 18, 2024)*
4. 2022-006976CUA (C. FEENEY: (628) 652-7313)  
1541 POLK STREET – west side between Sacramento and California Streets; Lot 002 in Assessor's Block 0643 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 202.2, 303, and 723 to establish an approximately 4,080 square foot Cannabis Retail use (d.b.a. Element 7) with no on-site smoking or vaporizing permitted, on the ground floor of a one-story, single-storefront commercial building, within the Polk Street NCD (Neighborhood Commercial District) Zoning District and 65-A Height and Bulk District. There will be no expansion of the existing building envelope. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action

for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).  
*Preliminary Recommendation: Approved with Conditions*  
(Continued from Regular hearing on September 14, 2023)  
**(Proposed for Indefinite Continuance)**

## B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

### 5. [2023-002389CUA](#) (V. PAGE: (628) 652-7396)

1600 MISSION STREET – south side of Otis Street between South Van Ness and Brady Street; Lot 001 in Assessor's Block 3512 (District 6) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 249.33(b)(8), 303, and 303.1 to establish a Formula Retail use (d.b.a. "Rack Attack") within an existing 3,578 square-foot General Retail and Sales Service use within a C-3-G (Downtown General) Zoning District, Van Ness and Market Residential SUD (Special Use District), and 120-R-2 Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

## C. COMMISSION MATTERS

### 6. LAND ACKNOWLEDGEMENT

### 7. COMMISSION COMMENTS/QUESTIONS

- Inquiries/Announcements: Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas: At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

## D. DEPARTMENT MATTERS

### 8. DIRECTOR'S ANNOUNCEMENTS

### 9. REVIEW OF PAST EVENTS AT THE BOARD OF SUPERVISORS, BOARD OF APPEALS AND HISTORIC PRESERVATION COMMISSION

## E. GENERAL PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes. When the number of speakers exceed the 15-minute limit, General Public Comment may be moved to the end of the Agenda.

## F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff; when applicable, followed by a presentation of the project sponsor team; followed by public comment. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expediters, and/or other advisors.

10. [2023-008250PCAMAP](#) (V. FLORES: (628) 652-7525)  
**NON-PROFIT ARTS EDUCATION SPECIAL USE DISTRICT [BF 230294] – Planning Code and Zoning Map Amendments** – Ordinance, sponsored by Supervisor Peskin, to amend the Planning Code to create the Non-Profit Arts Education Special Use District (Assessor's Parcel Block No. 49, Lot No. 1, generally bounded by Francisco Street, Jones Street, Chestnut Street, and Leavenworth Street, and numbered as 800 Chestnut Street); amending the Zoning Map to show the Non-Profit Arts Education Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.  
*Preliminary Recommendation: Approve*  
(Continued from Regular Hearing on November 2, 2023)

11. [2022-010182CWP](#) (L. LANGLOIS: (628) 652-7472)  
**DOWNTOWN UPDATE – Informational Presentation** – The Planning Department and Office of Economic and Workforce Development will discuss coordinated City efforts to address Downtown revitalization. The presentation will include progress made on the Mayor's Roadmap, highlight focus areas from the Planning Department's work program over the next six months, the Community Equity Advisory Council will share their Vision Statement for the Future of Downtown, and representatives from the Urban Land Institute (ULI) and panelists from the May 2023 Advisory Services Panel (ASP) on Downtown will share their findings and priorities.  
*Preliminary Recommendation: None – Informational*

12. [2022-007356CTZ](#) (A. WESTHOFF: (628) 652-7314)  
**GREAT HIGHWAY PILOT PROJECT** – Upper Great Highway between Lincoln Way and Sloat Boulevard plus surrounding streets (District 4) – Request for **Coastal Zone Permit**, pursuant to Planning Code Section 330, for the Great Highway Pilot Project which restricts automobile access, on a temporary basis, to the Upper Great Highway between Lincoln Way and Sloat Boulevard (approximately 2.0 miles) for a car free bicycle and pedestrian promenade on weekends, holidays, and a portion of Fridays. Authorization is also being sought for related traffic calming measures which have been implemented on surrounding streets including detour and warning signs, turn restrictions, speed tables, speed cushions, and stop signs. The Planning Department found that the projects are exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the projects for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04](#) (h).  
*Preliminary Recommendation: Approve with Conditions*

13. [2020-009670CUA](#) (A. WESTHOFF: (628) 652-7314)  
**342 MOULTRIE STREET** – west side between Eugenia and Cortland Avenues; Lot 034 in Assessor's Block 5664 (District 9) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 317 to remove a 702 square foot unauthorized dwelling unit from an existing detached garage to revert the space back to garage and storage use, from the subject property within a RH-1 (Residential-House, One Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04](#)(h).  
*Preliminary Recommendation: Approved with Conditions*  
(Continued from Regular hearing on October 19, 2023)

14. [2022-011558CUA](#) (C. ALEXANDER: (628) 652-7334)  
**170 SEA CLIFF AVENUE** – north side between 26th and 27th Avenues; Lot 016 in Assessor's Block 1306 (District 1) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 209.1, 303, and 317, to demolish an approximately 4,700 gross square foot three-story-over basement, single family dwelling and construct an approximately 10,744 square foot three-story-over-basement, single family dwelling with a two-car garage at the basement level and an approximately 597 square foot accessory dwelling unit within a RH-1 (D) (Residential-House, One Family-Detached) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The

Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

**Note: On October 26, 2023, after hearing and closing public comment, continued to November 9, 2023 with a vote of +6 -0 (Ruiz absent).**

15. [2023-005418CUA](#) (J. VIMR: (628) 652-7319)

1152 TAYLOR STREET – east side between Clay and Sacramento Streets; Lot 024 in Assessor's Block 0222 (District 3) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 186, 202.12, 209.3 and 303 to allow an existing restaurant to expand into an adjacent, vacant commercial space last occupied by a Laundromat use as defined by the Planning Code. There will be no expansion of the building envelope and exterior work is confined to updating awnings and signage. The subject property is located within a RM-3 (Residential-Mixed, Medium Density) Zoning District and 65-A Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

16. [2022-004172CUA](#) (M. TAYLOR: (628) 652-7352)

2395 SACRAMENTO STREET – southeast corner of Webster Street; Lots 015 and 016 in Assessor's Block 0637 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 253 and 303 for a building height that exceeds 50 feet of height within the Residential-Mixed, Low Density Zoning District (RM-1) to construct two additions to an existing building resulting in a 77.5-foot tall building containing 24 dwelling units (1 three-bedroom unit, 10 two-bedroom units, 9 three-bedroom units, and 4 four-bedroom units), 26 off-street parking spaces, and 38 Class One and 4 Class Two bicycle parking spaces, under the Individually Requested State Density Bonus Program (Planning Code Section 206.6 and California Government Code Section 65915) within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District. The Project seeks waivers from development standards for Rear Yard (PC Section 134), Building Height (PC Section 260), and Exposure (PC Section 140). The Planning Department issued a general plan evaluation pursuant to the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section [31.04\(h\)](#).

*Preliminary Recommendation: Approve with Conditions*

## G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expediters, and/or other advisors.

17. [2022-002822DRP-02](#) (D. WINSLOW: (628) 652-7335)

3160 JACKSON STREET – north side between Presidio and Lyon Streets; Lot 009 in Assessor's Block 0974 (District 2) – Request for **Discretionary Review** of Building Permit No. 2022.0322.0486 to construct a rear and side addition, and vertical addition to add a third floor of habitable space to a two-story over basement single family house within a RH-1 (Residential House – One Family) Zoning District and 40-X Height and Bulk District. The Planning Department found that the project is exempt from the California Environmental Quality Act (CEQA). The Commission's action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code section [31.04\(h\)](#).

*Preliminary Recommendation: Do not Take Discretionary Review and Approve*

## ADJOURNMENT

## HEARING PROCEDURES

The Planning Commission holds public hearings regularly, on most Thursdays. The [full hearing schedule](#) for the calendar year and the [Commission Rules & Regulations](#) may be found online at [sfplanning.org](http://sfplanning.org).

**Public Comments:** Persons attending a hearing may comment on any scheduled item.

- ❖ When speaking before the Commission, please note the time. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

**Sound-Producing Devices Prohibited:** The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers, and similar sound-producing electronic devices at and during public meetings).

For most cases (CU's, PUD's, 309's, etc.) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expediters, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. Public testimony from proponents of the proposal: An individual may speak for a period not to exceed three (3) minutes.
5. Public testimony from opponents of the proposal: An individual may speak for a period not to exceed three (3) minutes.
6. Director's preliminary recommendation must be prepared in writing.
7. Action by the Commission on the matter before it.
8. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
9. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.
10. Public comment portion of the hearing shall be closed and deliberation amongst the Commissioners shall be opened by the Chair.
11. A motion to approve; approve with conditions; approve with amendments and/or modifications; disapprove; or continue to another hearing date, if seconded, shall be voted on by the Commission.

Every Official Act taken by the Commission must be adopted by a majority vote of all members of the Commission, a minimum of four (4) votes. A failed motion results in the disapproval of the requested action unless a subsequent motion is adopted. Any Procedural Matter, such as a continuance, may be adopted by a majority vote of members present, as long as the members present constitute a quorum (four (4) members of the Commission).

For Discretionary Review cases that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue by the Director or a member of the staff.
2. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expediters, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
3. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
4. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expediters, and/or other advisors) would be for a period up to five (5) minutes but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.
5. Testimony by members of the public in support of the project would be up to three (3) minutes each.
6. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
7. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
8. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

The Commission must Take DR in order to disapprove or modify a building permit application that is before them under Discretionary Review. A failed motion to Take DR results in a Project that is approved as proposed.

## HEARING MATERIALS

**Advance Submissions:** To allow Commissioners the opportunity to review material in advance of a hearing, materials must be received by the Planning Department eight (8) days prior to the scheduled public hearing. All submission packages must be delivered to 49 South Van Ness Ave, 14th Floor, by 5:00 p.m. and should include fifteen (15) hardcopies and a PDF copy must be provided to the staff planner. Correspondence submitted to the Planning Commission after eight days in advance of a hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Please provide ten (10) copies for distribution. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission must include a copy to the [Commission Secretary](#) for it to become a part of the public record.

These submittal rules and deadlines shall be strictly enforced, and no exceptions shall be made without a vote of the Commission.

Persons unable to attend a hearing may submit written comments regarding a scheduled item to: Planning Commission, 49 South Van Ness Ave, 14th Floor, San Francisco, CA 94103-2414. Written comments received by the close of the business day prior to the hearing will be brought to the attention of the Planning Commission and made part of the official record.

## APPEALS

The following is a summary of appeal rights associated with the various actions that may be taken at a Historic Preservation Commission hearing.

*Table 1- Case types and number of days in which to appeal.*

| Case Type  | Case Suffix | Appeal Period *  | Appeal Body          |
|--|-------------|------------------|----------------------|
| Office Allocation  | OFA (B)     | 15 calendar days | Board of Appeals **  |
| Conditional Use Authorization and Planned Unit Development     | CUA (C)     | 30 calendar days | Board of Supervisors |
| Building Permit Application (Discretionary Review)             | DRP/DRM (D) | 15 calendar days | Board of Appeals     |
| EIR Certification  | ENV (E)     | 30 calendar days | Board of Supervisors |
| Coastal Zone Permit  | CTZ (P)     | 15 calendar days | Board of Appeals     |
| Planning Code Amendments by Application                        | PCA (T)     | 30 calendar days | Board of Supervisors |
| Variance (Zoning Administrator action)                         | VAR (V)     | 10 calendar days | Board of Appeals     |
| Large Project Authorization in Eastern Neighborhoods           | LPA (X)     | 15 calendar days | Board of Appeals     |
| Permit Review in C-3 Districts, Downtown Residential Districts | DNX (X)     | 15-calendar days | Board of Appeals     |
| Zoning Map Change by Application                               | MAP (Z)     | 30 calendar days | Board of Supervisors |

\* Appeals of Planning Commission decisions on Building Permit Applications (Discretionary Review) must be made within 15 days of the date the building permit is issued/denied by the Department of Building Inspection (not from the date of the Planning Commission hearing). Appeals of Zoning Administrator decisions on Variances must be made within 10 days from the issuance of the decision letter.

\*\* An appeal of a Certificate of Appropriateness or Permit to Alter/Demolish may be made to the Board of Supervisors if the project requires Board of Supervisors approval or if the project is associated with a Conditional Use Authorization appeal. An appeal of an Office Allocation may be made to the Board of Supervisors if the project requires a Conditional Use Authorization.

For more information regarding the Board of Appeals process, please contact the [Board of Appeals](#) at (628) 652-1150. For more information regarding the Board of Supervisors process, please contact the [Clerk of the Board of Supervisors](#) at (415) 554-5184 or [boardof.supervisors@sfgov.org](mailto:boardof.supervisors@sfgov.org).

An appeal of the approval (or denial) of a 100% Affordable Housing Bonus Program application may be made to the Board of Supervisors within 30 calendar days after the date of action by the Planning Commission pursuant to the provisions of Sections 328(g)(5) and 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a building permit application issued (or denied) pursuant to a 100% Affordable Housing Bonus Program application by the Planning Commission or the Board of Supervisors may be made to the Board of Appeals within 15 calendar days after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the [Board of Appeals](#) office at 49 South Van Ness Avenue, Suite 1475 (call in advance for appointment). For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

## CHALLENGES

Pursuant to Government Code Section 65009, if you challenge, in court, 1) the adoption or amendment of a general plan; 2) the adoption or amendment of a zoning ordinance; 3) the adoption or amendment of any regulation attached to a specific plan; 4) the adoption, amendment or modification of a development agreement; or 5) the approval of a variance, conditional-use authorization, or any permit; you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing.

## CEQA APPEAL RIGHTS UNDER CHAPTER 31 OF THE SAN FRANCISCO ADMINISTRATIVE CODE

If the Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and [can be obtained online](#). Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

## PROTEST OF FEE OR EXACTION

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Planning Commission's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

## PROPOSITION F

Under Campaign and Governmental Conduct Code Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision or any appeal to another City agency from that decision has been resolved. The [San Francisco Ethics Commission](#) has more information about this restriction.

## SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the [San Francisco Ethics Commission](#) at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, by phone (415) 252-3100 or fax (415) 252-3112.